

**REMARKS**

Reconsideration and allowance of this application are respectfully requested. Currently, claims 1-23 and 25-35 are pending in this application.

**Information Disclosure Statement:**

Section 2 (page 2) of the Office Action indicates that “The Applicants’ Information Disclosure Statements, filed on June 8, 2006, has been received and entered into the record, Since the Information Disclosure Statements complies with the provisions of MPEP § 609, the references cited therein have been considered by the examiner.” Applicant notes, however, that the following “Other Documents” have not been initialed on the Form PTO-1449: International Search Report dated June 14, 2004 and Great Britain Search Report dated August 22, 2003. Applicant assumes that these “Other Documents” have been considered. Clarification is respectfully requested if this assumption is incorrect.

**Objections to the Claims:**

Claims 2, 3, 6, 10, 14, 22 and 25 were editorially amended so that each of these claims ends with a period. Applicant thus respectfully requests that the objections to these claims be withdrawn.

Claim 5 was editorially amended so that it no longer depends from claim 5. Applicant thus respectfully requests that the objection to claim 5 be withdrawn.

Claim 17 has been amended to require “A method according to claim ~~claim~~ 9.” Applicant thus respectfully requests that the objection to claim 17 be withdrawn.

The Office Action alleges that the word “initialise” in claim 3 is unclear. Applicant respectfully disagrees with this allegation. Consistent with what would be its normal, commonly understood meaning, “initialise” (now reworded in the more traditional U.S. format of

“initialize”) in the context of other claim language is meant to indicate the establishment of initial conditions for future sessions. For example, this term refers to the idea of populating the subset of display items with items selected in the user’s previous sessions, rather than with some random or default selection. (See page 5, lines 13-19 of the specification.)

**Rejection Under 35 U.S.C. §101:**

Claims 24 and 26 were rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. In particular, the Office Action alleges that the language of these claims “raises a question as to whether the claim is directed merely to an abstract idea and is not tied to a technological art, environment or machine which results in a practical application producing a concrete, useful and tangible result to form the basis of statutory subject matter under 35 U.S.C. §101.” Claim 24 has been canceled. Claim 26 has been amended to require “A computer readable storage medium, tangibly embodying a program of instructions executable by a computer to perform steps....” Accordingly, Applicant submits that the invention of claim 26 is clearly within a statutory class (article of manufacture) of invention. The invention of this claim clearly produces a concrete, useful and tangible result such as a generated display of a set of display items and selected further display items. Applicant thus respectfully requests that the rejection under 35 U.S.C. §101 be withdrawn.

**Rejection Under 35 U.S.C. §102:**

Claims 1-26 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Kramer et al. (U.S. ‘574, hereinafter “Kramer”). Applicant respectfully traverses this rejection.

For a reference to anticipate a claim, each element must be found, either expressly or under the principles of inherency, in the reference. Each element of the claimed invention is not found in Kramer. For example, Kramer fails to teach or suggest receiving user inputs made

during a browsing session, and amending score values for attribute data items associated with the display items as said browsing session continues, as required by independent claim 1 and its dependents. Similar comments apply to independent claims 9 and 26 and their respective dependents.

Kramer discloses using data from previous transactions to guide a current transaction. This data remains constant during the current transaction itself. In marked contrast, the present invention required by independent claim 1 modifies data guiding a current search by updating the display as that current search continues in response to user input made during the search itself. That is, the present invention receives user inputs made during a browsing session, and as that same browsing session continues, (e.g., see claim language requiring “as said browsing session continues...” ) score values of attribute data items are amended in response to user inputs. In the present invention, the user inputs made during the course of the same browsing session (i.e., same current transaction) therefore direct the further course of that same browsing session. Kramer assumes that the user’s previous on-line activity is a reliable guide to his immediate interest, and thus any weightings applying to items in the database are determined by previous transactions or browsing sessions, not the current one. Kramer thus fails to appreciate the benefits of enabling a user to dynamically create (or at least alter) score values of attribute data items associated with display items as the browsing session continues.

Dependent claim 5 requires “provision is made for users to input both positive and negative reward values.” Similar comments apply to dependent claim 17. Even assuming *arguendo* that Kramer discloses the concept of inputs, Kramer fails to disclose the negative and positive concept required by this claim.

Dependent claim 7 requires, *inter alia*, “wherein the display includes non-visual elements.” For example, these non-visual elements may include sounds as opposed to images. The display may thus be detected by senses other than vision. The Office Action has apparently misunderstood “non-visual” to mean invisible, i.e., not apparent to the user.

Accordingly, Applicant respectfully requests that the rejection in view of Kramer be withdrawn.

**New Claims:**

New Claims 27-35 have been added to provide additional protection for the invention. Applicant submits that these claims are allowable for at least the reasons discussed above with respect to their respective base claims.

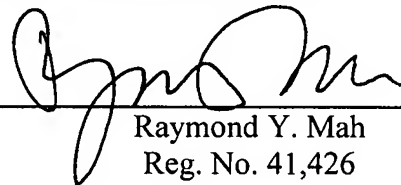
**Conclusion:**

Applicant believes that this entire application is in condition for allowance and respectfully requests a notice to this effect. If the Examiner has any questions or believes that an interview would further prosecution of this application, the Examiner is invited to telephone the undersigned.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



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